

MEETING RECORD

NAME OF GROUP: City Board of Zoning Appeals

DATE, TIME AND

PLACE OF MEETING: Friday, July 29, 2005, 1:30 p.m., Hearing Chambers, County-City Building, 555 South 10th Street, Lincoln, Nebraska

MEMBERS AND OTHERS

IN ATTENDANCE:

Members: Gene Carroll, Gerry Krieser, Bob Kuzelka and Tom Wanser. **George Hancock absent.**

Others: Michele Williamson (Building & Safety), Tonya Skinner (City Law Dept.), Brian Will and Michele Abendroth (Planning Dept.), applicants and other interested parties.

STATED PURPOSE

OF THE MEETING: Regular Meeting of the City Board of Zoning Appeals

Chair Carroll called the meeting to order at 1:30 p.m.

Approval of the minutes of the June 24, 2005 meeting

Kuzelka moved approval of the June 24, 2005 meeting minutes, seconded by Carroll. Motion carried 4-0. Carroll, Krieser, Kuzelka and Wanser voting 'yes'. Hancock absent.

Appeal No. 05007 by J. Michael Rierden for a variance of the side and rear yard setbacks and an appeal on an error in a determination by an administration official on property generally located at 7225 Oxford Road.

PUBLIC HEARING

July 29, 2005

Michael Rierden, appearing on behalf of the owner of the property, withdrew the application as the Building and Safety Department and Law Department have concluded that this appeal is no longer necessary because the house qualifies as non-standard.

Kuzelka asked what will happen to the property. Skinner stated that the property will be allowed to exist as is, excluding the footings that are there. The owner would be able to add on to the property within the current zoning.

Kuzelka asked what the legal reason is for this decision. Skinner stated that there is a section in the code which states that if the current zoning is amended, anything built under the old zoning becomes non-standard if it is not in compliance with current zoning. It appears that the enclosed swimming pool addition complied with zoning at the time of construction.

Appeal No. 05010 by Mark Hunzeker for a variance of the side yard setback on property generally located at 4030 S. 36th Street.

ACTION

July 29, 2005

Will stated that he received a letter from the applicant requesting that this appeal be delayed until the August meeting.

Wanser moved to delay this appeal until the August meeting. Motion carried 4-0. Carroll, Krieser, Kuzelka and Wanser voting 'yes'. Hancock absent.

Kuzelka asked if the applicant can change the appeal for the next meeting. Skinner replied that they could amend the application.

Carroll asked if the hearing was left open at the last meeting. Skinner stated that the hearing was closed. If the Board wants to hear additional testimony at the next meeting, they would need to make a motion to re-open the hearing.

Wanser moved to re-open the appeal for public hearing at the August meeting. Motion carried 4-0. Carroll, Krieser, Kuzelka and Wanser voting 'yes'. Hancock absent.

The meeting was adjourned at 1:39 p.m.

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